

October 18, 2017

6:33 PM

A caucus meeting of the Mayor and Council of the Borough of West Long Branch was held on the above date and time in the Council Chambers, Borough Hall, 965 Broadway, West Long Branch, N.J.

Mayor Janet W. Tucci presided.

Mayor Tucci reported that in accordance with N.J.S.A. 10:4-6 adequate notice of this meeting of the Mayor and Council has been provided.

PRESENT: BRAY, JULIANO, MIGLIACCIO, NEYHART, PENTA

ABSENT: MANGO

BOROUGH ATTORNEY BAXTER:

1. A draft "No Knock" ordinance, based on Ocean Township's ordinance, was prepared and submitted for the Governing Body's review. It provides for a registry to be maintained, with stickers for display being given to those residents who register. The registry would be given to licensees at the time of issuance of a license to sell or buy. There are no exemptions in this draft; however, the Borough Attorney recommended some level of discussion about exemptions. The majority of the Council felt the ordinance was necessary, but it should be investigated further before introduction. It was decided that this matter would be forwarded to the Ordinance Review Committee for further review.

BOROUGH ADMINISTRATOR MURRAY:

1. The current vendor, Geese Patrol (Robert Sullivan), submitted a proposal for the continuation of geese control services. The proposal guarantees chasing the geese three times per day, seven days a week, at Franklin Lake and Ronan-Shirvanian Park. It also includes nest removal and egg addling. A monthly report will be submitted with their invoice. The consensus of the Borough Council was to continue using this service for the time being.
2. The Finance Office obtained three quotes for the conversion of the Borough's e-mail system to Office 365, which is a cloud-based system. The recommendation of the Finance Office, Borough Administrator, and Finance Committee is to accept the proposal from GoDaddy at a cost of \$13,525.96.

BOROUGH ADMINISTRATOR MURRAY: (Contd.)

3. A Hollywood Avenue resident contacted the Borough asking if there should be a double yellow line down the length of that street, and, if so, when it would be repainted. The Borough Administrator confirmed that the current ordinance does not provide for a double yellow line down the entire street. Councilman Penta stated that he did not think there should be a double yellow line and that it should be removed where it currently exists.
4. The CY2017 Best Practices Inventory has been posted in Dropbox for review by the Mayor and Council. The deadline for submission is October 20th. The Borough received positive credit on 21 questions, therefore, avoiding any loss in aid. The Borough Administrator certified that she and the C.F.O. reviewed it, and the answers are accurate to the best of their knowledge.

COUNCILMAN NEYHART:

1. The Borough Administrator was instructed to contact the State to inform them that there is a lot of litter along Highway 36, which has become more noticeable now that the grass has been cut.

Councilman Bray moved that the Council enter Executive Session at 6:57 PM. Seconded by Councilwoman Juliano and carried unanimously.

EXECUTIVE SESSION RESOLUTION

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

*Environmental Commission Personnel; Tax Collector Contract;
IT Service Contract; Employee Manual; DPW Contract*

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date under the following circumstances:

When the need for privacy as to each item no longer exists.

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

- ☐ 1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
- ☐ 2. Rendered confidential by State Statute or Court Rule.
- ☐ 3. Would constitute an unwarranted invasion of individual privacy.
- ☐ 4. Deals with collective bargaining or any employment agreement, including negotiations positions.
- ☐ 5. Deals with purchase, lease or acquisition of real property with public funds.
- ☐ 6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
- ☐ 7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public.
- ☐ 8. Related to investigation of violations or possible violations of the law.
- ☒ 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
- ☒ 10. Falls within the attorney-client privilege and confidentiality is required.

- X 11. Deals with personnel matters involving the employment, appointment, termination of employment, terms and conditions of employment, performance evaluation or discipline of any public officers or employees, either current or prospective, and all of the employees or appointees whose rights could be adversely affected have not requested that the matter be discussed publicly.
- _____ 12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Councilman Neyhart moved Council adjourn Executive Session at 7:39 PM, seconded by Councilman Bray, and carried unanimously.

Mayor Tucci opened the meeting up to the public.

Michael Pagones, 117 Larchwood Avenue, commented on the stadium/sports fields at Monmouth University that are located within a residential neighborhood. He complained that the noise from the public address system at the most recent football game was deafening. He stated that variances were granted based on certain conditions being implemented by Monmouth University. For example, University representatives agreed to install a new system using ground level speakers measuring 65 dBA. At the most recent football game, he measured the noise at 73 dBA, which he claimed is fifty times greater in sound power. Another example he gave was concerning the playing of music prior to their sporting events. He argued that the University should be held accountable for not adhering to these conditions. The Borough Attorney confirmed that if those conditions are in the resolution of approval, they can be cited if they do not comply. However, he added that the West Long Branch Police Department does not have a decibel meter nor is there a decibel reading threshold. Mayor Tucci requested that the Borough Administrator coordinate a meeting between the Code Enforcement Officer and Mr. Pagones to discuss his concerns.

Jeremy Strauser, 66 Hollywood Avenue, indicated that he is the person who inquired about the double yellow line on Hollywood Avenue. He explained that there is a portion of the street that does have a double yellow line. Further, he stated that there is a problem with speeding vehicles on that street. He thanked the Mayor and Council for

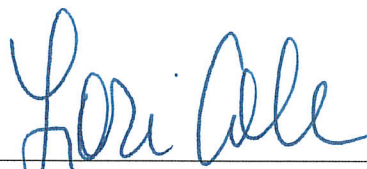
discussing his inquiry and asked them to consider how to address the problem. The Mayor replied that the Borough will monitor the situation.

Mr. Strauser added that he could attest to the comments Mr. Pagonis made regarding the public address system at Monmouth University.

Joe Woolley, 4 Woodland Drive, appeared this evening to report that he had a very large increase in his tax bill from 2016 to 2017. The Borough Attorney explained how the Assessment Demonstration Program works. Further, he advised that the Tax Assessor looks at the inspections and the sales, and some of those sales are inflated. It was recommended that Mr. Woolley speak to the Tax Assessor to discuss his specific situation.

Vincent Lepore, 33 Ocean Terrace, Long Branch, pointed out that the Township of Toms River has a "No Knock" ordinance; however, he felt that their "cease and desist" ordinance would be more effective. He recommended that the Council consider designating the entire town as a "cease and desist zone", and then follow up with the "No Knock" ordinance.

There being no one else wishing to speak, Councilman Neyhart moved Council adjourn Caucus Session at 8:16 PM. Seconded by Councilman Bray and carried unanimously.


BOROUGH CLERK